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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,030	03/05/2002	Rogelio Areal Guerra	A34839-PCT-USA	8212

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EXAMINER

MCKANE, ELIZABETH L

ART UNIT	PAPER NUMBER
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1744

DATE MAILED: 06/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/980,030

Applicant(s)

GUERRA, ROGELIO AREAL

Examiner

Leigh McKane

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,64,65,67-97,99-104 and 106-125 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,69,73,76-78,87,124 and 125 is/are rejected.
- 7) ☒ Claim(s) 64,65,67,68,70-72,74,75,79-86,88-97,99-104 and 106-123 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 69, 73, 76-78, 87, 124, and 125 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, the connection between the various components of the device is unclear. The examiner suggests the following changes to claim in order to clarify how the various components are connected as well as to provide positive antecedent basis for certain elements.

--1. A device for mass deacidification, elimination of free acidity and disinfection of cellulosic materials comprising an autoclave with pressure and temperature control, and capable of receiving the cellulosic materials to be treated; a solvent bottle fluidly connected to the autoclave; a loading cell [capable of] receiving [a] the solvent bottle and [which is used to program] programmed to determine the amount of solvent for each process; a dosification tank [for] in fluid communication with the autoclave containing a concentrated reagent and capable of [to introduce] introducing the correct amount of reagent depending on the weight of the material to be treated; and a tank for gravity collection of residual solution arriving from the autoclave for its subsequent recovery wherein the residual solution collection tank has a heating system for heating to distill [the] solvent contained in the residual solution.—

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In claim 69, “a heat exchanger which optimizes the refrigeration of the solvent bottle” renders the claim vague and indefinite. It cannot be determined if the “heat exchanger” of claim 69 is the same as the “heating system” of claim 1 or is different. Moreover, no means of refrigeration has been recited in claim 1.

In claim 73, it cannot be determined if the “loading cell” is the same as that recited in claim 1 or in addition thereto.

Claims 76-78 are confusing as the location of the valves is unclear.

In claim 87, it is unclear where the distillation of the “collected remaining mixture” occurs. Moreover, the claim is vague and indefinite as to the source of the vapor that is conveyed to a solvent bottle.

In claims 124 and 125, the source of the vapor which is conveyed to a solvent bottle is unclear.

Claim Objections

3. Claims 68, 72, 74, 79, 80, 83, 85, 86, are objected to because of the following informalities: In claim 68, “envelops” in line 3 should be --envelopes--. In claim 72, --the-- should be inserted before “autoclave”. In claim 74, --a-- should be inserted before “programmable”. In claims 79 and 83, --the-- should be inserted before --solvent bottle--. In claim 80, “temperature control thermocouple inside autoclave” should read --a temperature control thermocouple inside the autoclave--. In claim 85, --the-- should be inserted before “autoclave” in both occurrences. In claim 86, --the-- should be inserted before “dosification tank”. Appropriate correction is required.

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4. Claims 106, 107, 110, and 119 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Specifically, all of the above claims are dependent from claim 105 which has been cancelled.

Allowable Subject Matter

5. The claims would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Response to Arguments

6. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.


Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leigh McKane whose telephone number is 571-272-1275. The examiner can normally be reached on Monday-Wednesday (5:30 am-3:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on 571-272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Leigh McKane
Primary Examiner
Art Unit 1744

elm
12 June 2006